

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 518 be amended to read as follows:

- 1 Page 18, line 38, delete "A" and insert "(a) **Except as provided in**
- 2 **subsection (b),**".
- 3 Page 20, between lines 39 and 40, begin a new paragraph and
- 4 insert:
- 5 "**(b) A governmental entity or an employee of a governmental**
- 6 **entity acting within the scope of the employee's employment is**
- 7 **liable for a loss resulting from the gross negligence, willful or**
- 8 **wanton misconduct, or intentional misconduct of a governmental**
- 9 **entity or an employee of a governmental entity that results in a**
- 10 **failure to provide adequate drainage for liquids that run off or are**
- 11 **discharged:**
- 12 (1) **from real property that is:**
- 13 (A) **located within the boundaries of the governmental**
- 14 **entity;**
- 15 (B) **owned by a person other than the person incurring**
- 16 **the loss; and**
- 17 (C) **used for an industrial or commercial purpose; and**
- 18 (2) **onto the surface of a road, street, alley, or other public**
- 19 **way."**

(Reference is to ESB 518 as printed April 9, 2001.)

Representative RUPPEL